

CITY COUNCIL ATLANTA, CEORGIA

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

 $01 - \mathcal{L} - 0413$

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,000.00 IN SETTLEMENT OF THE CLAIM OF TERRON MITCHELL, THROUGH HIS ATTORNEY, DARRELL L. BURROW AGAINST THE CITY OF ATLANTA AND FOR OTHER PURPOSES

WHEREAS, Terron Mitchell, through his attorney, Darrell L. Burrow has filed a claim against the City of Atlanta seeking damages arising out of a collision between a vehicle operated by DeWitt W. Martin, an employee of the Department of Planning and Development, and Mr. Mitchell's vehicle; and

WHEREAS, the collision occurred when the City employee was following too closely and rear ended the claimant's vehicle; and

WHEREAS, the claimant has asserted damages in the amount of \$12,698.00, but has agreed to accept the sum of \$2,000.00 in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Terron Mitchell, through his attorney, Darrell L. Burrow be settled for the sum of \$2,000.00.

WHEREAS, this claim was previously denied by City Council on November 6, 2000.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that resolution number 00-R-1754 be hereby rescinded and that \$2,000.00 be paid by the City of Atlanta in satisfaction of any and all claims Terron Mitchell, through his attorney, Darrell L. Burrow may have stemming from damages sustained as a result of a vehicular collision that occurred at 935 Ralph David Abernathy Boulevard on or about June 29, 2000.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

nda Dauphin Johnson
ipal Clerk, CMC

ADOPTED by the Council RETURNED WITHOUT SIGNATURE OF THE MAYOR APPROVED as per City Charter Section 2-403

MAR 19, 2001

MAR 28, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. <u>00L0458</u>	Date:February 20, 2001
Claimant /Victim TERRON MITCHELL	
BY: (Atty) Darrell L. Burrow	
Address: 4812-A Old National Highw	
Subrogation: Claim for Property damage \$	Bodily Injury \$ 12,698.00
Date of Notice: 07/26/00 Method: W	ritten, proper X Improper
Conforms to Notice: O.C.G.A. 836-33-5 X	Ante Litem (6 Mo.) X
Date of Occurrence 06/29/00 Pla	ce: 935 Ralph David Abernathy Boulevard
Department Planning and Development	Division:
Employee involved DeWitt W. Martin	ce: 935 Ralph David Abernathy Boulevard Division: Disciplinary Action: No Action Taken
NATURE OF CLAIM: The driver of the City vehicle causing personal injuries in the above amount	cle was following too closely and rear ended the claimant's
INVESTIGATION:	
Statements: City employee Claimant	Others Oral
Pictures Diagrams Reports: Polis	ce X Dept Report X Other
	Claimant Driver
Citation disposition: City Driver	Claimant Driver
Charlon disposition. City Driver	Claimant Differ
BASIS OF RECOMMENDATION:	
Function: Governmental X	Ministerial
Improper Notice More than Six Months _	Ministerial Other Damages reasonable
City not involved Offer reje	cted Compromise settlement X
Repair/replacement by Ins. Co.	Repair/replacement by City Forces
Claimant Negligent City Negligent	Repair/replacement by City Forces
	Respectfully submitted,
	INVESTIGATOR - DIANNE C. MITCHELL
	IN VESTIGATOR - DIANNE C. MITCHELL
RECOMMENDATION:	
Pay \$ Adverse	Account charged: 1A01_X 2J012H01
Pay \$ Adverse Claims Manager:	Concur/date
Committee Action:	Council Action

FORM 23-61

DARRELL L. BURROW, P.C.

ATTORNEY AT LAW

4812 - A OLD NATIONAL HIGHWAY COLLEGE PARK, GEORGIA 30337

TELEPHONE: (404) 559-1121 FACSIMILE: (404) 559-1118

ENTERED - 8-1-00 - SB 00L0458 - DIANNE MITCHELL

July 17, 2000

Mailing Address: P. O. Box 640067 Atlanta, Georgia 30364

Mitchell Ot/28/10

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Z 397 178 144

Bill Campbell, Mayor City of Atlanta 55 Trinity Avenue, SW Atlanta, Georgia 30335



ANTE LITEM NOTICE PURSUANT TO O.C.G.A. 36-33-5 RECEIVED

RE:

My Client:

Terron Mitchell

City Employee: De

Detwitt Walker Martin

Date of Incident: 06/29/2000

JUL 2 6 2000

CITY OF ATLANTA
OFFICE OF MAYOR

NOTICE IS HEREBY GIVEN, pursuant to O.C.G.A. 36-33-5, that Terron Mitchell intends to pursue his claim for personal injuries against the above-named party and the City of Atlanta; and, as required by law, you are notified as follows:

- 1. That on June 29, 2000, at approximately 1:00 p.m., Terron Mitchell was traveling westbound on Ralph David Abernathy Boulevard approaching Ashby Street in the City of Atlanta, Fulton County..
- 2. Detwitt Walker Martin, driving a 1999 Ford Taurus owned by the City of Atlanta, was negligent in that he was unable to bring his vehicle to a stop as he was traveling behind the vehicle being driven by Terron Mitchell.
- 3. Detwitt Walker Martin rear-ended the vehicle being driven by Terron Mitchell.
- 4. Terron Mitchell received injuries to his back and neck as a result of this incident and was taken to Grady Hospital from the scene of the incident.
- 5. Terron Mitchell will be making a claim for person injuries, lost earnings, medical expenses, physical and mental pain and suffering, and future mental and physical pain and suffering.
- 6. The injuries suffered by Terron Mitchell were caused by the negligence of Detwitt Walker Martin, who was operating the vehicle owned by the City of Atlanta.

Pursuant to O.C.G.A. 36-33-5, you are notified that Terron Mitchell will be presenting a claim for all of the damages outlined above and will demand payment in an amount that is not yet determined for all of the damages outlined.

A supplemental notice will be mailed to you once a value has been assigned to Mr. Mitchell's claim.

SO NOTICED, this 20th day of July, 2000

Darrell L. Burrow

Attorney for Claimant, Terron Mitchell

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER_	00L0458			\$	2,000.00	
	ERATION of the s					***
acknowledged, I do discharge said City, all claims, demands,	hereby, for myse its officers and em actions, causes of	lf, my heirs, e ployees, includ action, suits, d	executors, add ling but not li amages, loss	minis imite and e	strators, and assigns d to <u>DeWitt W. M</u> expenses, of whatsoe	pt of which is hereby, release and forever lartin, from any and ever kind or nature for a vehicular accident
which occurred on o	or about the	29 th da	ay of	Ju	ne	<u>, 2000</u> ,
at or near <u>935 Ra</u>	lph David Aberna	thy Boulevard	d			·
admission on the pa undersigned further servants and employ agents, servants and And I now st of the sum stated abo	rt of the City, its of covenants and agrees, from any and employees, may be ate that the only cove; that no other proverses are than the other proverses at the coverses at th	fficers, agents, tes to indemniful all claims, date called upon the insideration for romise or agre	servants or of and hold had mages or costo make as a remy signing tement of any	emple armle sts w result this r kind	oyees, of any liability ess the City of Atlant hich the said City of the event hereinbelease and indemnification nature has been in	o be considered as an y whatsoever and the ta, its officers, agents, f Atlanta, its officers, before referred to. cation is the payment made to or with me by hing and intent of this
WITNESS n	ny hand and seal th	is 15 ⁺⁵	_ day of	Fel	mary	, 200
		<u> </u>	TAMM TERRON MI	TCH [[ELL SULLEY	(LS)
		$ar{I}$	DARRELL L	. BU	RROW, ATTORNE	
The above re	elease was read and	explained to,	and signed by	y the	said Term	Mitchell
and Darrel	1 L. Burrow		M. Amgr	out I	presence on the date	above written.
			Han	a	Wright	
			,		Witnesses	

Atlanta City Council

Regular Session

CONSENT

Y Winslow

Pages 1 thru 15

ADOPT

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

YEAS: 12

NAYS: 0

ABSTENTIONS: 0 NOT VOTING: 3

EXCUSED:

ABSENT

Y McCarty Y Dorsey Y Moore Y Thomas ITEM (S) REMOVED FROM Y Woolard Y Starnes Y Martin Y Emmons **CONSENT AGENDA** NV Bond Y Morris Y Maddox B Alexander 01-0-0067

Woolard & Morris voted Nay on the

Y Boazman

and the control of th

following items:

01-R-0379

NV Muller

01-R-0392

01-R-0393

01-R-0394

01-R-0395

01-R-0396

CONSENT

NV Pitts

Atlanta City Council

Regular Session

CONSENT Reconsidered

Pages 1 thru 15

ADOPT

YEAS: 11

NAYS:

ABSTENTIONS: NOT VOTING:

> EXCUSED: ABSENT

SEE ATTACHED LISTING OF

ITEMS ADOPTED/ADVERSED

ON CONSENT AGENDA

Y Thomas ITEM (S) REMOVED FROM Y Dorsey Y Moore Y McCarty Y Martin NV Emmons Y Starnes Y Woolard **CONSENT AGENDA** NV Bond Y Morris Y Maddox B Alexander 01-0-0067 NV Pitts Y Winslow NV Muller Y Boazman 01-0-0354

Woolard & Morris voted Nay on the

following items:

01-R-0379

01-R-0392

01-R-0393

01-R-0394

01-R-0395

01-R-0396

Atlanta City Council

Regular Session

CONSENT Reconsidered 世2

Pages 1 thru 15

ADOPT

YEAS: 13 NAYS: 0 ABSTENTIONS: 0 NOT VOTING: 2 EXCUSED: ABSENT 1

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

NV McCarty Y Starnes Y Bond

Y Winslow

Y Dorsey Y Woolard Y Morris

Y Muller

Y Martin Y Maddox Y Boazman

Y Moore

Y Thomas Y Emmons

B Alexander NV Pitts

ITEM (S) REMOVED FROM

CONSENT AGENDA

01-0-0067 01-0-0354 01-0-0188

Woolard & Morris voted Nay on the

following items:

01-R-0379

01-R-0392

01-R-0393

01-R-0394

01-R-0395

01-R-0396

		03/19/01 Council Meeting
ITEMS ADOPTED ON	ITEMS	ITEMS
CONSENT AGENDA	ADOPTED ON	ADVERSED
	CONSENT	ON CONSENT
	AGENDA	AGENDA
1. 01-O-0306	39. 01-R-0397	57. 01-R-0437
2. 01-O-0445	40. 01-R-0398	58. 01-R-0438
3. 01-O-0449	41. 01-R-0399	59. 01-R-0375
4. 01-O-0450	42. 01-R-0400	60. 01-R-0376
5. 01-O-0098	43. 01-R-0401	61. 01-R-0377
6. 01-O-0178	44. 01-R-0402	62. 01-R-0378
7. 01-O-0302	45. 01-R-0403	63. 01-R-0379
8. 01-O-0367	46. 01-R-0404	64. 01-R-0380
9. 00-O-1987	47. 01-R-0405	65. 01-R-0381
10. 01-O-0448	48. 01-R-0406	66. 01-R-0382
11. 00-O-2069	49. 01-R-0407	67. 01-R-0383
12. 01-O-0446	50. 01-R-0408	68. 01-R-0384
13. 01-O-0187	51. 01-R-0409	69. 01-R-0385
14. 01-O-0294	52. 01-R-0410	70. 01-R-0386
15. 01-R-0411	53. 01-R-0433	71. 01-R-0387
16. 01-R-0412	54. 01-R-0434	72. 01-R-0388
17. 01-R-0413	55. 01-R-0435	73. 01-R-0389
18. 01-R-0414	56. 01-R-0436	74. 01-R-0390
19. 01-R-0420		75. 01-R-0391
20. 01-R-0421		76. 01-R-0392
21. 01-R-0475		77. 01-R-0393
22. 01-R-0428		78. 01-R-0394
23. 01-R-0429		79. 01-R-0395
24. 01-R-0477		80. 01-R-0396
25. 01-R-0220		81. 01-R-0440
26. 01-R-0430		82. 01-R-0439
27. 01-R-0447		
28. 01-R-0452		
29. 01-R-0458		
30. 01-R-0417		
31. 01-R-0426		
32. 01-R-0427		
33. 00-R-1466		
34. 01-R-0416		
35. 01-R-0419		
36. 01-R-0424 37. 01-R-0108		
37. 01-R-0108 38. 01-R-0189		

Committee Date Chair Carrie Referred to
3 / 3 / 6/
Action: Fay Adv, Hold (see rev. side) Other:
Let Control
Refer To
Committee
Action: Fav, Adv, Hold (see rev. side)
Otner:
Members
Refer To